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5 **NOT FOR PUBLICATION**  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Paul C. Du Hart, ) No. CV-08-2008-PHX-FJM  
10 Plaintiff, ) **ORDER**  
11 vs. )  
12 )  
13 Intel Corporation, )  
14 Defendant. )

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16 We have before us defendant Intel Corporation's motion to dismiss and alternative  
17 motion for more definite statement (doc. 17). Plaintiff has not responded to the motion and  
18 the time for doing so has passed. Under LRCiv 7.2(i), if a party "does not serve and file the  
19 required answering memoranda . . . such noncompliance may be deemed a consent to the  
20 denial or granting of the motion and the Court may dispose of the motion summarily."

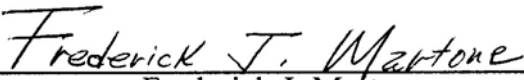
21 Defendant moves to dismiss the complaint under Rule 12(b)(2) and (5), Fed. R. Civ.  
22 P., because service of process was untimely. By order dated April 1, 2009, we extended  
23 plaintiff's deadline to effect service under Rule 4, Fed. R. Civ. P., until May 1, 2009 (doc.  
24 13). Plaintiff complied with our order and returned the summons executed on April 29, 2009  
25 (doc. 15). Accordingly, we deny defendant's motion to dismiss.

26 Defendant moves in the alternative for a more definite statement under Rule 12(e),  
27 Fed. R. Civ. P. "A party may move for a more definite statement of a pleading to which a  
28 responsive pleading is allowed but which is so vague or ambiguous that the party cannot

1 reasonably prepare a response.” Fed. R. Civ. P. 12(e). We will grant defendant’s request for  
2 a more definite statement and order that plaintiff file an amended complaint setting forth the  
3 factual and legal bases for this action in numbered paragraphs “each limited as far as  
4 practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). Plaintiff will have to and  
5 including July 16, 2009 to file an amended complaint. If an amended complaint is not filed  
6 by that date, this action will be dismissed under Rule 12(e), Fed. R. Civ. P.

7 Therefore, **IT IS ORDERED DENYING** defendant’s motion to dismiss **AND**  
8 **GRANTING** defendant’s alternative motion for more definite statement (doc. 17).

9 DATED this 26<sup>th</sup> day of June, 2009.

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 Frederick J. Martone  
13 United States District Judge  
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